

2009 DRAFTING REQUEST

Bill

Received: **12/30/2008**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget BB0307**

By/Representing: **Wavrunek**

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Wavrunek, BB0307 -

Topic:

Justice information fee; Office of Justice Assistance

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rryan 01/08/2009 phurley 01/09/2009	kfollett 01/12/2009		_____			S&L
/P1	phurley 01/14/2009 phurley 01/14/2009	wjackson 01/14/2009 kfollett 01/14/2009	rschluet 01/12/2009	_____	cduerst 01/12/2009		S&L
/P2	phurley 01/16/2009	kfollett 01/16/2009	jfrantze 01/14/2009	_____	mbarman 01/14/2009		S&L
/P3			rschluet	_____	cduerst		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

01/16/2009 _____ 01/16/2009

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	phurley 01/09/2009	<i>1P2kf</i> <i>1/14</i>					
/P1			rschluet 01/12/2009		cduerst 01/12/2009		

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1/14
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BB0307

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/?	rryan 01/08/2009 phurley	1/11/09 1/12	1/12/09				

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Increase the Justice Information Fee and Fund Programs at OJA
- Tracking Code: BB0307
- SBO team: Agriculture, Environment and Justice
- SBO analyst: Leah Wavrunek
 - Phone: 267-0370
 - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: DOA
- Agency number: 505
- Priority (Low, Medium, High): High

Intent: Increase the current Justice Information Fee from \$12 to \$17 and fund new programs with the fee revenues.

New programs:

1. Office of Justice Assistance: Fund positions related to statistical analysis, addressing racial disparities, justice information sharing and UCR/IBR data collection. May need a new appropriation as their interagency appropriation is for aids to individuals = 20.505(6)(km)

2. Dept of Administration: In the second year, move the current Indigent Civil Legal Services program from GPR to JIF PR (s. 20.505(1)(e)).

3. DA IT: Increase portion to the current program.

Revenue splits:

DA IT: \$6.50

OJA: \$1.50

DOA: \$2

CCAP: \$6 (no change)

General Fund: \$1 (no change)

out of \$17:

6.50	=	38.234	=	38.2	=	38
1.50	=	8.823	=	8.8	=	9
2.00	=	11.764	=	11.8	=	12
6.00	=	35.294	=	35.3	=	35
1.00	=	5.882	=	5.9	=	6

eff date: date of Budget
except 20.505(1)(e)
chngcore = FY2

for the 1st year, the \$2
that's going to DOA
will just stay in General
fund.

uniform crime rep
incident based rep

in 2d yr
make 20.505(1)(e)
a PR funded
by the \$2 of \$17

01/02/2010
b 5812

(1) Supervision and management.

(a) *General program operations.* The amounts in the schedule for administrative supervision, policy and fiscal planning and management and prosecution services and to defray the expenses incurred by the building commission not otherwise appropriated.

(b) *Midwest interstate low-level radioactive waste compact; loan from general fund.* As a continuing appropriation, the amounts in the schedule for purposes of funding 25% of the state's costs enumerated in s. 16.115 (3) incurred prior to the acceptance of low-level radioactive waste for disposal by the host state under s. 16.11.

(bq) *Appropriation obligations repayment; tobacco settlement revenues.* The amounts in the schedule to pay debt service costs due in the current fiscal year on appropriation obligations issued under s. 16.527, to make payments of the state under agreements and ancillary arrangements entered into under s. 16.527 (4) (e), and to pay related issuance or administrative expenses.

(br) *Appropriation obligations repayment; unfunded liabilities under the Wisconsin Retirement System.* The amounts in the schedule to pay debt service costs due in the current fiscal year on appropriation obligations issued under s. 16.527, to make payments of the state under agreements and ancillary arrangements entered into under s. 16.527 (4) (e), to make deposits into reserve funds created under s. 16.527 (3) (b) 3., and to pay related issuance or administrative expenses.

(cm) *Comprehensive planning grants; general purpose revenue.* The amounts in the schedule to provide comprehensive planning grants to local governmental units under s. 16.965 (2).

(cn) *Comprehensive planning; administrative support.* The amounts in the schedule for administrative support of comprehensive planning assistance under s. 16.965.

(e) *Indigent civil legal services.* The amounts in the schedule to provide grants for the provision of civil legal services to indigent persons under s. 16.19.

(fo) *Federal resource acquisition support grants.* The amounts in the schedule for the department of administration to provide grants to any organization with which the department contracts under s. 16.98 (4) to operate the federal resource acquisition program.

appropriation account.

(ke) *Interagency and intra-agency automation assistance.* All moneys received from a court or any state agency for services provided to the court or state agency related to the circuit court automation system for automated justice information systems.

814.86 Justice information system surcharge and special prosecution clerks surcharge.

(1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$12 justice information system surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in addition to the surcharge listed in sub. (1m).

(1m) Beginning on October 1, 1995, whenever the clerk of circuit court for Milwaukee County charges and collects a surcharge under sub. (1), he or she shall also charge and collect a \$3.50 special prosecution clerks surcharge. The special prosecution clerks surcharge is in addition to the surcharge listed in sub. (1).

(2) The clerk shall pay the moneys collected under subs. (1) and (1m) to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those moneys to the secretary of administration under s. 59.25 (3) (p).

History: 1987 a. 27; 1989 a. 22; 1991 a. 26, 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 9; 2003 a. 30, 33; 2003 a. 139 s. 201; Stats. 2003 s. 814.86; 2003 a. 326; 2005 a. 25, 455.

so. \$ goes to clerk \Rightarrow county treasurer \Rightarrow sec. of admin

5/12 \Rightarrow 20.505(1)(ja) = automated justice info system \$5

1/2 \Rightarrow 20.680(2)(j) = cap \$6

1/12 = general fund \$1

draft

20.505(1)(ja) =

UPS: Fix request sheet
BB0307

DOA:.....Wavrunek, - Justice information fee; office of justice assistance

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

1

AN ACT ...; relating to: the budget

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

CIRCUIT COURTS

Under current law, with a few exceptions, a person filing a civil action, small court claim, wage garnishment action, or a civil forfeiture pays a \$12 justice information surcharge. Of that amount, six dollars are credited to the consolidated court automation program (CCAP), five dollars are credited to the automated justice information system, and one dollar remains in the general fund.

This bill increases the justice information surcharge to \$17. Under the bill, for the first fiscal year, six dollars are credited to CCAP, six dollars and 50 cents are credited to the automated justice information system, one dollar and 50 cents are credited to the office of justice assistance for statistical gathering and analyses, and three dollars remain in the general fund. Beginning in the second fiscal year of the 2009-11 biennium, the amounts credited are the same except that two dollars are credited to DOA for assistance to indigent civil litigants, and one dollar remains in the general fund.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.19 of the statutes is amended to read:

16.19 Civil legal services for the indigent. Annually, the department shall

pay the amount appropriated under ~~s. 20.505 (1) (e)~~ ^{no strike explain} ~~s. 20.505 (1) (j)~~ [↓] to the Wisconsin Trust Account Foundation, Inc., to provide civil legal services to indigent persons. The Wisconsin Trust Account Foundation, Inc., shall distribute the amount received as grants to programs that provide civil legal services to indigent persons, and those programs may use the grant funds to match other federal and private grants. The grants may be used only for the purposes for which the funding was provided.

History: 2007 a. 20.

SECTION 2. 20.505 (1) (e) of the statutes is repealed.

note: by d
SECTION 3. 20.505 (1) (ja) of the statutes is amended to read:

20.505 (1) (ja) *Justice information systems.* The amounts in the schedule for the development and operation of automated justice information systems under s. 16.971 (9). ~~Five-twelfths of the moneys~~ [✓] Of each \$17 received under s. 814.86 (1), \$6.50 [✓] shall be credited to this appropriation account.

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433; 2007 a. 20 ss. 323, 326, 516e to 542g, 9121 (6) (a); 2007 a. 226.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 4. 20.505 (1) (jc) of the statutes is created to read:

20.505 (1) (jc) *Indigent civil legal services.* The amounts in the schedule to provide grants for the provision of civil legal services to indigent persons under s. 16.19. Of each \$17 received under s. 814.86 (1), \$2 shall be credited to this account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 5. 20.505 (6) (kp) of the statutes is created to read:

1 20.505 (6) (kp) *Data gathering and analysis*. The amounts in the schedule for
2 gathering and analyzing statistics on the justice system, including racial disparity,
3 uniform crime reporting, and incident-based reporting. Of each \$17 received under
4 s. 814.86 (1), \$1.50 shall be credited to this appropriation account.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 6.** 20.680 (2) (j) of the statutes is amended to read:

6 20.680 (2) (j) *Court information systems*. All moneys received under s. 758.19
7 (4m), all moneys received under ss. 814.61, 814.62, and 814.63 that are required to
8 be credited to this appropriation account under those sections, and ~~one-half of the~~
9 ~~moneys \$6 of each \$17~~ received under s. 814.86 (1) for the operation of circuit court
10 automated information systems under s. 758.19 (4).

History: 1971 c. 125, 215; 1971 c. 254 s. 19; 1973 c. 90; 1975 c. 37; 1977 c. 26, 29; 1977 c. 187 s. 135; 1977 c. 418; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 34; 1981 c. 20; 1983 a. 27, 158; 1985 a. 29, 340; 1987 a. 27, 399; 1989 a. 31; 1991 a. 32, 39, 269; 1993 a. 16, 491; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16, 103, 105; 2003 a. 33, 139; 2005 a. 25, 157; 2007 a. 20.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 7.** 814.86 (1) of the statutes is amended to read:

12 ~~814.86 Justice information system surcharge and special prosecution~~

13 ~~clerks surcharge~~ (1) Except for an action for a first violation of s. 23.33 (4c) (a)
14 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the
15 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
16 time of the violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use
17 violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a ~~\$12~~
18 \$17 justice information system surcharge from any person, including any
19 governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a),
20 (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information
21 system surcharge is in addition to the surcharge listed in sub. (1m).

History: 1987 a. 27; 1989 a. 22; 1991 a. 26, 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 9; 2003 a. 30, 33; 2003 a. 139 s. 201; Stats. 2003 s. 814.86; 2003 a. 326; 2005 a. 25, 455.

SECTION 94091 **SECTION 9409. Effective dates; Circuit Courts**

2 (1) JUSTICE INFORMATION SURCHARGE. The treatment of s. 16.19, the repeal of
3 ~~section 20.505 (1) (e)~~ and the creation of section 20.505 (1) (jc) of the statutes takes
4 effect on July 1, 2010.

5 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1285/P1

PJH:kjfs

DOA:.....Wavrunek, BB0307 - Justice information fee; Office of Justice Assistance

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1-14-09
D-note

Don + Gen

1 AN ACT ...; relating to: the budget.

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COURTS AND PROCEDURE

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Under current law, with a few exceptions, a person filing a civil action, small court claim, wage garnishment action, or a civil forfeiture, pays a \$12 justice information surcharge. Of that amount, \$6 is credited to the consolidated court automation program (CCAP), \$5 is credited to the automated justice information system, and \$1 remains in the general fund. *Insert Analysis 1.*

This bill increases the justice information surcharge to \$17. Under the bill, for the first fiscal year, \$6 is credited to CCAP, \$6.50 is credited to the automated justice information system, \$1.50 is credited to the Office of Justice Assistance for statistical gathering and analyses, and \$3 remain in the general fund. Beginning in the second fiscal year of the 2009-11 biennium, the amounts credited are the same except that \$2 is credited to DOA for assistance to indigent civil litigants, and \$1 remains in the general fund.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

replacing the appropriation from general purpose revenues,

1 **SECTION 1.** 16.19 of the statutes is amended to read:

2 **16.19 Civil legal services for the indigent.** Annually, the department shall
3 pay the amount appropriated under s. 20.505 (1) (e) (jc) to the Wisconsin Trust
4 Account Foundation, Inc., to provide civil legal services to indigent persons. The
5 Wisconsin Trust Account Foundation, Inc., shall distribute the amount received as
6 grants to programs that provide civil legal services to indigent persons, and those
7 programs may use the grant funds to match other federal and private grants. The
8 grants may be used only for the purposes for which the funding was provided.

9 **SECTION 2.** 20.505 (1) (e) of the statutes is repealed.

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 3.** 20.505 (1) (ja) of the statutes is amended to read:

11 20.505 (1) (ja) *Justice information systems.* The amounts in the schedule for
12 the development and operation of automated justice information systems under s.
13 16.971 (9). ~~Five-twelfths of the moneys~~ Of each \$17 received under s. 814.86 (1),
14 \$6.50 shall be credited to this appropriation account.

15 **SECTION 4.** 20.505 (1) (jc) of the statutes is created to read:

16 20.505 (1) (jc) *Indigent civil legal services.* The amounts in the schedule to
17 provide grants for the provision of civil legal services to indigent persons under s.
18 16.19. Of each \$17 received under s. 814.86 (1), \$2 shall be credited to this account.

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 5.** 20.505 (6) (kp) of the statutes is created to read:

20 20.505 (6) (kp) *Data gathering and analysis.* The amounts in the schedule for
21 gathering and analyzing statistics on the justice system, including racial disparity,

1 uniform crime reporting, and incident-based reporting. Of each \$17 received under
2 s. 814.86 (1), \$1.50 shall be credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 6.** 20.680 (2) (j) of the statutes is amended to read:

4 20.680 (2) (j) *Court information systems.* All moneys received under s. 758.19
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6 be credited to this appropriation account under those sections, and ~~one-half of the~~
7 ~~moneys \$6 of each \$17~~ received under s. 814.86 (1) for the operation of circuit court
8 automated information systems under s. 758.19 (4).

9 **SECTION 7.** 814.86 (1) of the statutes is amended to read:

10 814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681
11 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
12 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
13 violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under
14 s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$12 ~~\$17~~ justice
15 information system surcharge from any person, including any governmental unit, as
16 defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62
17 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in
18 addition to the surcharge listed in sub. (1m).

19 **SECTION 9409. Effective dates; Circuit Courts**

20 (1) JUSTICE INFORMATION SURCHARGE. The treatment of sections 16.19 and
21 20.505 (1) (e) and (jc) of the statutes takes effect on July 1, 2010.

22 (END)

D- Note

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1285/Plins
PJH:kjf:rs

1

INSERT ANALYSIS 1:

no \$



Additionally, under current law, moneys are appropriated from general purpose revenues and credited to DOA for assistance to indigent civil litigants.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1285/P1dn

PJH:kjf:rs

Date

Leah,

X I am submitting a /P2 version of this draft that makes some changes to the analysis. This draft clarifies that the funding from general purpose revenues for indigent civil litigants is being eliminated in favor of funding from a portion of the program revenues generated by the increased justice information surcharge. I've also made some changes to the language in the analysis to clarify whom is required to pay the justice information surcharge. If you have any questions or comments, please let me know.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1285/P2dn
PJH:kjf:jf

January 14, 2009

Leah,

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Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov

Hurley, Peggy

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]
Sent: Friday, January 16, 2009 8:48 AM
To: Hurley, Peggy
Subject: Draft LRB-1285/P2

Hi Peggy,

I have a change to LRB-1285/P2, the Justice Information Fee. We are going to increase the total fee by one more dollar (\$18) and switch the civil legal services for indigent individuals to PR the first year (so no delayed effective date).

Here are the breakouts of who gets the funding:

CCAP	\$6
General Fund	\$1
DA IT	\$7.50
OJA	\$1.50
Civil Legal	\$2

Please let me know if you have any questions.

Thanks,
leah

Leah Wavrunek
State Budget Office
Ph: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov

01/16/2009

DOA:.....Wavrunek, BB0307 - Justice information fee; Office of Justice Assistance

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Don + Gen

1 AN ACT ...; relating to: the budget.

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COURTS AND PROCEDURE

CIRCUIT COURTS

Under current law, with a few exceptions, a person who filed a civil action, an action in small claims court, or a wage garnishment action or against whom a civil forfeiture is assessed pays a \$12 justice information surcharge. Of that amount, \$6 is credited to the consolidated court automation program (CCAP), \$5 is credited to the automated justice information system, and \$1 remains in the general fund. Additionally, under current law, moneys are appropriated from general purpose revenues and credited to DOA for assistance to indigent civil litigants.

This bill increases the justice information surcharge to \$17. Under the bill, for the first fiscal year, \$6 is credited to CCAP, \$6.50 is credited to the automated justice information system, \$1.50 is credited to the Office of Justice Assistance for statistical gathering and analyses, and \$3 remain in the general fund. Beginning in the second fiscal year of the 2009-11 biennium, the amounts credited are the same except that \$2 of the surcharge is credited to DOA for assistance to indigent civil litigants, replacing the appropriation from general purpose revenues, and \$1 remains in the general fund.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.19 of the statutes is amended to read:

2 **16.19 Civil legal services for the indigent.** Annually, the department shall
3 pay the amount appropriated under s. 20.505 (1) (e) (jc) to the Wisconsin Trust
4 Account Foundation, Inc., to provide civil legal services to indigent persons. The
5 Wisconsin Trust Account Foundation, Inc., shall distribute the amount received as
6 grants to programs that provide civil legal services to indigent persons, and those
7 programs may use the grant funds to match other federal and private grants. The
8 grants may be used only for the purposes for which the funding was provided.

9 **SECTION 2.** 20.505 (1) (e) of the statutes is repealed.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 3.** 20.505 (1) (ja) of the statutes is amended to read:

11 20.505 (1) (ja) *Justice information systems.* The amounts in the schedule for
12 the development and operation of automated justice information systems under s.
13 16.971 (9). ~~Five-twelfths of the moneys~~ ^{2 \$18} Of each \$17 received under s. 814.86 (1),
14 ^{2 \$1.50} ~~\$6.50~~ shall be credited to this appropriation account.

15 **SECTION 4.** 20.505 (1) (jc) of the statutes is created to read:

16 20.505 (1) (jc) *Indigent civil legal services.* The amounts in the schedule to
17 provide grants for the provision of civil legal services to indigent persons under s.
18 16.19. ^{2 \$18} Of each \$17 received under s. 814.86 (1), \$2 shall be credited to this account.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 5.** 20.505 (6) (kp) of the statutes is created to read:

1 20.505 (6) (kp) *Data gathering and analysis*. The amounts in the schedule for
2 gathering and analyzing statistics on the justice system, including racial disparity,
3 uniform crime reporting, and incident-based reporting. Of each ~~\$17~~^{\$18} received under
4 s. 814.86 (1), \$1.50 shall be credited to this appropriation account.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 6.** 20.680 (2) (j) of the statutes is amended to read:

6 20.680 (2) (j) *Court information systems*. All moneys received under s. 758.19
7 (4m), all moneys received under ss. 814.61, 814.62, and 814.63 that are required to
8 be credited to this appropriation account under those sections, and ~~one-half of the~~
9 ~~moneys \$6 of each~~^{\$18} ~~\$17~~ received under s. 814.86 (1) for the operation of circuit court
10 automated information systems under s. 758.19 (4).

11 **SECTION 7.** 814.86 (1) of the statutes is amended to read:

12 814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681
13 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
14 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
15 violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under
16 s. 347.48 (2m), the clerk of circuit court shall charge and collect a ~~\$12~~^{\$18} ~~\$17~~ justice
17 information system surcharge from any person, including any governmental unit, as
18 defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62
19 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in
20 addition to the surcharge listed in sub. (1m).

21 **SECTION 9409. Effective dates; Circuit Courts**

(1) JUSTICE INFORMATION SURCHARGE. The treatment of sections 16.19 and 20.505 (1) (e) and (jc) of the statutes takes effect on July 1, 2010.

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1285/P3

PJH:kjf:rs

DOA:.....Wavrunek, BB0307 - Justice information fee; Office of Justice Assistance

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COURTS AND PROCEDURE

CIRCUIT COURTS

Under current law, with a few exceptions, a person who filed a civil action, an action in small claims court, or a wage garnishment action or against whom a civil forfeiture is assessed pays a \$12 justice information surcharge. Of that amount, \$6 is credited to the consolidated court automation program (CCAP), \$5 is credited to the automated justice information system, and \$1 remains in the general fund. Additionally, under current law, moneys are appropriated from general purpose revenues and credited to DOA for assistance to indigent civil litigants.

This bill increases the justice information surcharge to \$18. Under the bill, \$6 is credited to CCAP, \$7.50 is credited to the automated justice information system, \$1.50 is credited to the Office of Justice Assistance for statistical gathering and analyses, \$2 is credited to DOA for assistance to indigent civil litigants, replacing the appropriation from general purpose revenues, and \$1 remains in the general fund.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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12 the development and operation of automated justice information systems under s.
13 16.971 (9). ~~Five-twelfths of the moneys~~ Of each \$18 received under s. 814.86 (1),
14 \$7.50 shall be credited to this appropriation account.

15 **SECTION 4.** 20.505 (1) (jc) of the statutes is created to read:

16 20.505 (1) (jc) *Indigent civil legal services.* The amounts in the schedule to
17 provide grants for the provision of civil legal services to indigent persons under s.
18 16.19. Of each \$18 received under s. 814.86 (1), \$2 shall be credited to this account.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

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20 20.505 (6) (kp) *Data gathering and analysis.* The amounts in the schedule for
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***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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14 s. 347.48 (2m), the clerk of circuit court shall charge and collect a ~~\$12~~ \$18 justice
15 information system surcharge from any person, including any governmental unit, as
16 defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62
17 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in
18 addition to the surcharge listed in sub. (1m).

19 (END)